

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gordon Moore ALLAN et al.
U.S. Serial No. : 09/784,962
Filing Date : February 16, 2001
Patent No. :
Issued :
Examiner : Shanon A Foley
Art Unit : 1648
For : **PORCINE CIRCOVIRUS AND PARVOVIRUS VACCINE**

745 Fifth Avenue, New York, NY 10151

**ATTORNEY'S DECLARATION IN SUPPORT OF
PETITION TO REVIVE AND WAIVE RULES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

I, Thomas J. Kowalski, declare and state that:

1. I am an attorney of record in the above-captioned patent application ("the present application"), and a partner in the firm of Frommer Lawrence & Haug LLP, authorized to speak on behalf of the firm and myself.

2. My firm and I are advised and therefore believe that the Declaration and Power of Attorney originally filed in this application may have had "inventor" signature(s) affixed to it by a person who was not an inventor, and who was not authorized by any of us to sign on behalf of inventor(s).

3. More in particular, my firm and I are advised and therefore believe that:

(a) French industrial property counsel firm (Conseils en Propriété Industrielle) ("C") was responsible for transmitting formal papers such as the Declaration and Power of Attorney, and Assignment, to inventors, obtaining signatures thereon, and forwarding the executed formal papers to patent law firms outside of France for filing with the respective Patent Offices.

(b) Individual "HC" is in the employ of C as a clerk.

(c) Individual "CD" was in the employ of C as a foreign section assistant supervisor; a superior to HC.

(d) Individual CD instructed individual HC to affix signatures of inventors to documents. HC did as instructed by CD. CD also affixed signatures of inventors to documents. No inventor authorized CD or HC to affix a signature to a document or CD to instruct another to affix an inventor signature to a document. Documents having such signatures were forwarded by C to US patent law firms for filing in the USPTO, and were filed in the USPTO.

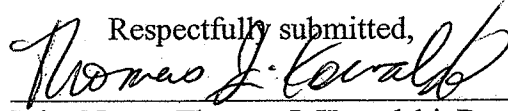
4. My firm and I were unaware of CD's instructions and CD's actions and HC's actions; did not authorize those instructions or actions; and hence, my firm and I acted without deceptive intent as to those instructions and actions. In particular, my firm and I were unaware, at the time of filing the original Declaration and Power of Attorney in the present application, that it may not have actually had signatures of inventor(s) affixed to it; and, at the time of filing the original Declaration and Power of Attorney in the present application, my firm and I believed that C had transmitted to us a Declaration and Power of Attorney that had actual signatures of inventor(s) affixed to it. Indeed, at the time of filing the original Declaration and Power of Attorney in the present application and any other signed documents from C, my firm and I had trusted C as to the signatures on such documents and believed that those documents had actual signatures. Thus, my firm and I acted in good faith and without deceptive intent with respect to the filing with the USPTO of the original Declaration and Power of Attorney, and any other signed documents received from C for filing with the USPTO.

5. This Declaration is in support of a Petition that a new Declaration and Power of Attorney submitted with the Petition be accepted, that this application and any patent from this application be revived, with the effect that the Declaration and Power of Attorney filed with the Petition be accepted *nunc pro tunc* (accepted now as if it were filed when a correct Declaration and Power of Attorney should have been filed during prosecution), and that any necessary Rules be waived to achieve that relief.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code, and that such willful false statements may jeopardize the validity of this application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,



(date)

Print Name: Thomas J. Kowalski, Reg. No. 32,147